

SONIFICATION AS A SOCIAL RIGHT IMPLEMENTATION

Pablo Revuelta Sanz

Carlos III University of Madrid,
Electronic Technology department,
Av. Gregorio Peces Barba 1, 28918, Spain
prevuelt@ing.uc3m.es

José M. Sánchez Pena

Carlos III University of Madrid,
Electronic Technology department,
Av. Gregorio Peces Barba 1, 28918, Spain
jmpena@ing.uc3m.es

Belén Ruiz Mezcuca

Carlos III University of Madrid,
Computer Science department,
Av. Gregorio Peces Barba 1, 28918, Spain
bruiz@inf.uc3m.es

ABSTRACT

The rights discussion begins in Europe, with Modernity, in the 17th century. In this historical moment, social and equal rights are supposed to be universal, and are used to fight against absolutism and the religion hierarchy. However, this egalitarian paradigm has not been applied in such a radical way, allowing some extra-rights environments, which keep working with the *ancient régime* way of life. In the present world, we can identify many people who cannot behave as others do, because of some unwanted circumstances, which diminish their capabilities. We can talk, in these cases, about unimplemented rights. In this paper we discuss whether solutions to disabilities and, more specifically, some applications of sonification, can be treated as a right's implementation and when. We also discuss the limits of the rights under an economical system such as capitalism, and what kind of solutions should be found.

1. INTRODUCTION

The rights discussion starts, as we know it nowadays, in the western world, specifically in Europe, during the so called Enlightens, or 17th century. The Modern way of thinking puts into question the absolute power of kings and religion in the late European middle-age by means of this term.

Although we can search for the first philosophical discussions in the ancient Greece, with Plato, Aristotle, Socrates or Diogenes, we will have to wait to Spinoza [1], among others, to listen to human based rights vindications. This new proposal is revolutionary regarding the *ancient régime*, theocrat and based on vassalage relations and earth subjection [2]. Since several decades before, bourgeoisie was starting its economical revolution which needed new formal and legal structures, much more flexible and autonomous than the absolutism's ones [3].

The subsequent French Revolution, in 1789, sets the basis for the Modern conception of rights, with the "Universal Rights Declaration of Men and Citizens", enacted in the same year.

1.1. The rights in the Modern culture

The main points of this new culture can be summarized in the following points:

- Every person is son/daughter of God
- Every person is born with identical basic rights
- These rights cannot be sold, bought or transferred
- The role of the state is to ensure them

This school, born mainly in England, but also in France with other thinkers such as Rousseau [4], is known as contractualism or *iusnaturalism*, since they talk about natural rights, inalienable and directly given by God in the natural state. This position, likewise, was supported by other conceptions of ethic; Rationalism and, after that, criticism, with Kant as prime defender, proposes that rights come from rational capacity. This capacity, exclusively human (and maybe also of aliens or God) imposes some specific uses of action capabilities, regarding the so-called *categorical imperative* to those persons (or beings) capable of universalizing the rules of their behavior [5]. The rights are the minimum rational (and coactive) laws or norms that allow every person doing whatever they want, in egalitarian conditions regarding the others. This is called, in political philosophy, the conditions of the negative freedom.

1.2. The contractualism

The name of contractualism comes from the solution to the nature state (supposed to be the original one) given by their proposers. Following Hobbes [6], for example, the way humans achieve to overpass the natural (and violent) situation is performing some agreements (contracts) which make the force

of most of them stronger than the force of each one of their members. The human being evolves to a normative one, where freedom is sacrificed in the shrine of the security. This new society institutes the Modern State as today we know it.

This study is not the correct place to discuss this position, how liberal anthropology interfered Hobbes analysis of the original situation or how this contract is signed and by whom (see, for example, [7]).

What is important for our analysis is the fact that laws, coming from social contracts, democrat government or from a dictatorship regime, always involve rights, i.e., the capability of doing something and not being punished for that. Likewise, rights involve obligations to another party. If I have the right of living, everyone else has the obligation of respecting my life. As simple as that. But no so simple.

The main discussion is which rights (and, therefore, which obligations) must be sanctioned by the contract, and which should not. The obvious problems of this approach, developed under the liberal paradigm and, more specifically, under its economical implementation, will be discussed in the next section.

1.3. The limits under the capitalism

The rights discussion, as we saw, refers to an egalitarian idea of human societies. However, people act in a different way, and this fact may yield to differences in what they have, or do, in their lives. This is the base of the so-called *meritocracy*.

Mainly heritage, but also other social devices such as favoritisms, racism, sexism, etc. can generate non-egalitarian points of depart for every new person coming into the world, and distort the ideal liberal society producing a classist one.

Moreover, the social contract was not signed by anyone alive today, but all of us are forced to obey it [8]. Thus, the rights became positive and traditional (statutory) instead of being rationally supported.

Finally, there are different kinds of rights, and two former groups among them:

- Those which are material cost free (such as free speech right), and
- Those which are not (right to a dignified living situation, right to work, etc.).

The main problem that the society under capitalism has to face is the deficient material implementation of some rights.

Since capitalism is an auto-regulated economical system, it has its internal rules. These rules, however, do not have anything to do with what we call social and political rights, except one: follow your own interest.

With this constraint, it is hard to understand A. Smith's proposal of the invisible hand [9], and a sight in nowadays world may discourage everyone of thinking in such an innocent way. The tragedy of commons [10] should be the final picot to this school. This philosophy has different results regarding the human rights:

- No planning over the present generation (temporal constraint). Ecology is seen as an enemy of business.
- No planning out of profitable niches (local constraint).

Commodities are only made if the result is a profit, i.e., is the Money-Commodity-Money' wheel turns [3]. Strange illnesses research, environment responsibility, labor improvements, ecological fingerprint and any other *common expense* are seen as a waste and, hence, not taken into account by the capitalist logic by its own.

However, new rights are emerging, apart from capitalism, since this system will never cover some aspects which, as it will be discussed in the following section, may be treated as rights. Among them, we will focus in this work on a specific one: the right of the blind people to access public visual information.

2. SHOULD SONIFICATION BE A RIGHT?

Being born blind, or becoming blind by any cause, eliminates a part of the perception capabilities. The same occurs, in different ways, with other disabilities. This constraint makes it difficult to perform some common life tasks, which are taken as basic rights in most of the Constitutions, such as movement, working or access to information, among others. Before 2006, when the United Nations signed the Convention of the Rights of Persons with Disabilities [11], some other essays had been proposed to address this problem: the Declaration on the Rights of Mentally Retarded Persons [12] or the Declaration on the Rights of Disabled Persons [13].

Thus, disabilities which restrain some capabilities in some social environments should be read as rights diminution.

There is another way to support this relation. J. Rawls [14] proposed the *veil of ignorance*, to imagine the situation where you do not know your identity, gender, race, social class and, we could add, disability. In such situation, you are asked to decide how your society should work, regarding rights and obligations. The answer to that question, given the veil of ignorance, shows us if we consider something as a right.

2.1. Where and how are auditory displays already taken as rights implementations

In fact, accessibility is already seen as a rights matter in many countries, which have developed a new legal corpus to minimize the social, material and psychological effects of the different disabilities (see, for example, [15]).

In this work, we will only focus on visual information accessibility through sonification. Other ways of providing accessible information for the blind persons will not be discussed in this work.

Sonification should only be treated as a human right implementation when it minimizes the effect of a disability regarding some right enjoyment. This has been the goal of some proposed sonification devices, since the end of the XIX century [16]. Many other assistive products based on sonification in this line have been proposed (see [17] for a review).

We can find laws, regulations and initiatives in the following environments, implementing sonification as rights and not only as services: TV, cinema and other audiovisual spectacles [18], museums [19], public transport [20] or education [21].

2.2. Who should be obliged by this right

Each time we recognize a right, a correlative obligation is automatically generated. In other words, no right is given for free.

In the case of providing accessibility to visual information for the blinds (as some sonification projects do), there is, likewise, an economic cost. The answer to whom should pay that cost, inside the liberal paradigm, would be the user, who is, at the end, the final responsible of his/her chance.

However, in this point, we should not talk about rights, but about business. Rights, obviously, cannot be sold or bought.

Some other institutions have been proposed to solve some rights disruptions in special cases, such as NGO's during humanitarian actions. These organisms, depending on the charity of their supporters, can never guarantee a right's implementation. The precariousness will threaten every single day of existence of the right under these conditions.

Finally, a social consensus to recognize something as a right is the only way to convert this proposal into a material right. Likewise, the cost should be, then, assumed by every single person who has supported this right constitution.

3. CONCLUSIONS

Sonification, when it tries to overcome visual limitations due to different disabilities or circumstances, can be treated as a right. However, this point of view must surpass the narrow liberal paradigm regarding material rights.

Likewise, rights impose obligations to a second party, which should assume the economical cost of the audiovisual accessibility. If these costs are not assumed, the blinds will depend on the charity or on their own savings.

Sonification is, essentially, a good candidate to implement new and uprising rights.

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